

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRYAN S. MICK, Personal
Representative of the Estate of Print
Zutavern, Deceased;

Plaintiff,

vs.

DEPUTY BARRETT GIBBONS, in his
individual and official capacities;
DEPUTY LAWRENCE STUMP, in his
individual and official capacities;
SHERIFF DAN OSMOND, in his
individual and official capacities;
COUNTY OF CUSTER, a Nebraska
political subdivision; TRP. BRANDON
WILKE, in his individual capacity; and
JOHN/JANE DOE, training supervisor of
the Nebraska State Patrol, in his/her
individual and official capacities;

Defendants.

4:22CV3025

**INITIAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the Plaintiff's unopposed motion to amend the progression order ([Filing No. 93](#)) is granted. The initial progression order ([Filing No. 84](#)) is amended as follows:

- 1) The parties may commence discovery. Until further order of the court, the discovery shall be limited to the issues of qualified and sovereign immunity. To avoid burdening witnesses and the unnecessary duplication of time and expense needed to depose the same witness more than once, any witness

deposed in preparation for asserting or defending against a qualified immunity or sovereign immunity defenses shall be deposed as to all issues.

- 2) The deadlines for moving to amend pleadings or add parties are:

| | |
|-----------------------|-------------------|
| For the plaintiff(s): | February 27, 2024 |
| For the defendant(s): | February 27, 2024 |

- 3) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is January 29, 2023. Motions to compel written discovery Rules 33, 34, 36, and 45 must be filed by February 12, 2024.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is April 15, 2024.
- 5) The deadline for filing the qualified immunity motion is July 3, 2024. Further progression will be deferred until after resolution of such motion.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.
- 8) The parties shall contact the undersigned's chambers within ten (10) days after a ruling on any dispositive motions on the immunity defenses to set a status conference to discuss further progression of any remaining issues.

Dated this 1st day of August, 2023.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge